

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
ANTHONY YANNUZZI,	)	CASE NO. 05-65171 JPK
	)	Chapter 7
Debtor.	)	

ORDER IN RESPONSE TO REQUEST FOR WAIVER OF HEARING

On October 25, 2005, the debtor's counsel, Michael Bosch, filed a Request for Waiver of Hearing with respect to a hearing scheduled on November 14, 2005 at 2:45 p.m. pursuant to the Court's order of October 19, 2005. This motion requests that counsel not be required to attend the November 14 hearing based upon the information provided in the Request.

This case was initiated by documentation filed on September 12, 2005. That documentation did not include scanned signature pages evidencing the debtor's original signature on the documents upon which that signature is required; instead, the debtor's signature was indicated by the notation "/s/ [debtor's name]". Under the Fourth Amended Order Authorizing Electronic Case Filing, the "/s/" notation is not permitted: section 11(c) of that order requires the submission of a copy of the originally signed signature page. As a result of the deficiency, the Clerk issued an administrative order on September 13, 2005 which required that within three days of the date of that order, documents properly indicating the signature of the debtor be filed. That order included the final sentence: "The failure to do so may result in the current filing being stricken without further notice". There was no timely compliance with this order, and but for this case "slipping through the cracks", the next step would have been for the Clerk to submit this case to chambers for review of non-compliance with the September 13 order. This review would have resulted in an order striking the documents filed on September 12, 2005 which were not signed as required, and those documents included the petition. The order as routinely entered by the Court in this circumstance states that the striking of the

petition means that there was no case, and therefore the case is then dismissed. Counsel for the debtor has thus far avoided this consequence.

There has still been no compliance with the September 13, 2005 order – attaching documents to the Request for Waiver of Hearing is not compliance: the required signature pages must be filed separately.

Paragraph 2 of the Request states that counsel for the debtor "does not recall receiving the Court's September 13 order". Putting aside the fact that this statement does not state that counsel did not receive it, the record in this case establishes that the order was electronically transmitted to the debtor's counsel; of course, based upon the docket, the Court cannot ascertain whether or not that counsel's system received the document. Paragraph 8 of the Request states that counsel filed four other cases at the same time as this one. The Court has reviewed those cases (numbers 05-65168, 05-65169, 05-65170 and 05-65173). In the last of those cases – 05-65173 – the same omission appears in the record as in this case – there are no copies of originally signed signature pages on any of the documents filed, with the exception of an amended Statement of Social Security Number filed on October 25, 2005. A separate order to deal with that matter will be entered. Obviously, the Court doesn't know or understand why scanned original signature pages were not provided in either of these cases.

IT IS ORDERED that the Request for Waiver of Hearing is denied, and that Attorney Michael Bosch shall comply with the October 19, 2005 order scheduling the hearing for November 14, 2005. At the November 14, 2005 hearing, Attorney Michael Bosch shall be prepared to explain to the Court the reason that the documents filed on September 12, 2005 on which the debtor's signature is indicated as "/s/ [debtor's name]" contain a type-written date, while the documents attached to the Request for Waiver of Hearing contain a hand-written date on the same pages.

IT IS FURTHER ORDERED that if originally signed copies of all signature pages are not

filed separately of record within 10 days of the date of entry of this order with respect to all documents thus far filed in this case upon which the debtor's signature is required, all documents for which an original signature page has not be filed will be stricken from the record – including the petition – and this case will then be dismissed.

Dated at Hammond, Indiana on November 2, 2005.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee